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PATENT  
Attorney Docket No. 056427-5014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Dirk Freund, *et al.* )  
 )  
Application No. 09/582,471 )  
 )  
Filed: August 15, 2000 )  
 )  
Title: METHOD AND MEASURING DEVICE )  
FOR DETERMINING BLOOD )  
PRESSURE )

Group Art Unit: 3736

Examiner: Nasser, Robert L.

**RECEIVED**  
DEC 23 2003

OFFICE OF PETITIONS

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT AND RESPONSE**

The Applicants submit this Amendment and Response in reply to the Final Office Action dated May 29, 2003 and in conjunction with the request for continued prosecution filed on December 1, 2003 and re-submitted herewith.

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Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment and Response to the Office Action dated May 29, 2003, filed in conjunction with the request for continued prosecution filed on December 1, 2003 and re-submitted herewith.

Additional papers enclosed:

- ☒ Petition Under 37 CFR 1.137(b) for Revival of Unintentionally Abandoned U.S. Application No. 09/582,471.
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, 2 references included
- ☒ Copy of Request for Continued Examination
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$\_\_\_\_\_.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

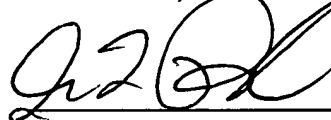
5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	14	minus	20	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	6	minus	3	0	x \$86 each=	+ \$258.00
[ ] First presentation of Multiple dependent claim(s)					\$290.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$258.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$1,768.00** (representing \$1,330.00 for the Petition fee, \$258.00 for excess independent claims and \$180.00 for the Information Disclosure fee) to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**


James L. Reed,

Registration No. 43,877

Date: December 19, 2003

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